

WSR 22-01-201

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed December 21, 2021, 10:38 a.m., effective February 1, 2022]

Effective Date of Rule: February 1, 2022.

Purpose: The department is amending WAC 388-444-0010 Who is exempt from work registration while receiving basic food?

3SSB 5164 (chapter 136, Laws of 2020) allows individuals applying for T and U visas, asylum, and "victims of human trafficking" to be eligible for the state-funded food assistance program (FAP). These individuals are not eligible to work in the United States and cannot register for work, which is currently required by FAP. This amendment will add an exemption from work registration for individuals who are not legally able to work due to their immigration status.

Citation of Rules Affected by this Order: Amending WAC 388-444-0010.

Statutory Authority for Adoption: RCW 74.04.005, 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090, 74.08A.120, and 74.09.035.

Adopted under notice filed as WSR 21-17-120 on August 17, 2021.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: December 21, 2021.

Katherine I. Vasquez
Rules Coordinator

SHS-4884.1

AMENDATORY SECTION (Amending WSR 21-07-132, filed 3/23/21, effective 4/23/21)

WAC 388-444-0010 Who is exempt from work registration while receiving basic food? If you receive basic food, you are exempt from work registration and the requirements in chapter 388-444 WAC if you meet any one of the following conditions:

(1) Are age sixteen or seventeen, and:

(a) Not the head of household;

(b) Attend school; or

(c) Are enrolled at least half time (using the institutions definition) in an employment and training program under:

- (i) The Workforce Innovation and Opportunity Act of 2014 (WIOA);
- (ii) Section 236 of the Trade Act of 1974; or
- (iii) A state or local employment and training program.

(2) You are a student age eighteen or older enrolled at least half time as defined by the institution in:

- (a) Any accredited school;
- (b) A training program; or

(c) An institution of higher education. If you are enrolled in higher education, you must meet the requirements under WAC 388-482-0005 to be eligible for basic food benefits.

(3) You are an employed or self-employed person working at least thirty hours per week, or receiving weekly earnings equal to the federal minimum wage multiplied by thirty;

(4) You are complying with the work requirements of an employment and training program under temporary assistance for needy families (TANF);

(5) You receive unemployment compensation (UC) benefits or have an application pending for UC benefits;

(6) You are responsible to care for:

- (a) A dependent child under age six; or

(b) A person with an incapacity that meets the requirements of WAC 388-310-0350 (1)(d)(i), (ii), (iv), and (v), except the person does not need to be related to you as stated in (1)(d)(v).

(7) You are physically or mentally unable to work as determined below:

(a) A DSHS SSI facilitator has assessed you as likely to be approved for SSI or other benefits and are required to apply for SSI or another type of federal disability benefit (such as railroad retirement or Social Security disability) and your SSI application status may be verified through either the SSI facilitator or state data exchange, or both;

(b) You have a severe and chronic mental, physical, emotional, or cognitive disability that prevents you from participating in work or work activities for at least thirty hours a week; or

(c) We verify your disability using documentation from DDA, DVR, HCS, MHD, or RSN, or by one of the medical or mental health professionals listed in WAC 388-310-0350(2).

(8) You regularly participate in a drug addiction or alcoholic treatment and rehabilitation program as defined by the Food Stamp Act of 1977.

(9) You are not legally able to work due to your immigration status.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, 74.08.090, 74.08A.120 and 7 C.F.R. 273.7, 7 C.F.R. 273.24. WSR 21-07-132, § 388-444-0010, filed 3/23/21, effective 4/23/21. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090, 74.08A.120, 7 C.F.R. 273.7 and 273.24. WSR 16-04-046, § 388-444-0010, filed 1/27/16, effective 2/27/16. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 74.08A.250, and 2013 c 39. WSR 13-24-043, § 388-444-0010, filed 11/26/13, effective 1/1/14. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.515, 74.08.090, 74.08A.120, 74.08A.903, and 7 U.S.C. 2015 (d)(1); 7 C.F.R. § 273.7. WSR 10-18-048, § 388-444-0010, filed 8/26/10, effective 10/1/10. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. WSR 98-16-044, § 388-444-0010, filed 7/31/98, effective 9/1/98.]